IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, as Administrator and Personal Representative of the ESTATE OF NANCY E. BENOIT, Plaintiff, vs. **LFP PUBLISHING GROUP, LLC,** d/b/a Hustler Magazine, et al, Defendant.	)))))))))))))	CASE NO. 1:08-cv-00421-TWT

DEFENDANT LFP PUBLISHING GROUP, LLC'S
AMENDED INITIAL DISCLOSURES

Defendant LFP Publishing Group, LLC's Initial Disclosures are hereby amended as follows:

5.

Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)

See Attachment A, hereto.

Dockets.Justia.com

Respectfully submitted this 16th day of December 2009.

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Toffoloni v. LFP Publishing Group, LLC
USDC, NDGA, Civil Action File No. 1:08-cv-00421-TWT

ATTACHMENT A TO PLAINTIFF'S INITIAL DISCLOSURES

Potential Witnesses in Support of Defenses

Known witnesses likely to have discoverable information that Defendant may use to support its defenses are as follows:

2. Tyler Downey
301 East 70th Terrace
Kansas City, MO 64113
(310) 980-0658

Subjects of Information: Mr. Downey is a former editor of *Hustler* magazine who was involved in obtaining the rights to publish the subject photographs of decedent Nancy Benoit from Defendant Mark Samansky that were published in the March, 2008 issue of *Hustler* magazine. Mr. Downey will have knowledge of his negotiations with Defendant Samansky; the consideration paid by Defendant LFP to Mr. Samansky for the right to publish his photographs of decedent Benoit in *Hustler* magazine; the writing of the article on Ms. Benoit's life and death that was illustrated by the subject photographs of Ms. Benoit; and how the subject photographs were chosen for publication in *Hustler* magazine.

6. Larry Flynt
LFP Publishing Group, LLC
c/o Jeffrey F. Reina, Esq.
Lipsitz Green Scime Cambria LLP
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333, Ext. 481

Subjects of Information: Mr. Flynt is the Publisher of *Hustler* magazine. Mr. Flynt has knowledge as to the decision to publish the subject article and images of decedent Nancy Benoit, and his belief that publication of said images was and is part of a bona fide news article on Benoit's life and death, that the images of her illustrated her life, and were therefore a lawful newsworthy publication.

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CERTIFICATE OF SERVICE

This is to certify that I have this day filed the within and foregoing DEFENDANT LFP PUBLISHING GROUP, LLC'S AMENDED INITIAL DISCLOSURES via the CM/ECF system which will automatically send notification to Defendant's attorneys of record, who are participants in the CM/ECF system.

This 16th day of December 2009.

/s/ *Darrell J. Solomon*
Darrell J. Solomon
Georgia Bar No. 305922

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